

Maray's Law

22LT 7730MB

ARREST / NOTICE TO APPEAR

0. On-View
3. Request for Warrant
S. Summons
T. Taken into Custody

JUVENILE

ADMINISTRATIVE	OBTS Number		Agency ORU Number 0500800		Agency Name West Palm Beach Police Department		Agency Report Number (N.T.A.'s only) 9, 4 2022-0006962	
	Charge Type: Check as many as apply: ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☐ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other		Location of Arrest (Including Name of Business) 260 SUMMA ST		Location of Offense (Business Name, Address) 260 SUMMA ST, WEST PALM BEACH, FL 33405		If Weapon Seized Enter Type: UNARMED	
	Date of Arrest 05/13/2022		Time of Arrest 04:52		Booking Date 05/13/2022		Booking Time 05:02	
	Name (Last, First, Middle) BUTLER, COURTNEY CHRISTINE		Alias (Name, DOB, Soc. Sec. #, Etc.)		Race W - White A - Asian W		Sex M - Male F - Female F	
	Date of Birth 04/18/1985		Height 5'05		Weight 100		Eye Color BROWN	
	Hair Color BLACK		Complexion LIGHT		Build Small		Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)	
	Local Address (Street, Apt. Number) 130 ROYAL PALM RD UPPER, WEST PALM BEACH, FL 33405		(City) WEST PALM BEACH		(State) FL		(Zip) 33405	
	Permanent Address (Street, Apt. Number) 130 ROYAL PALM RD UPPER, WEST PALM BEACH, FL 33405		(City) WEST PALM BEACH		(State) FL		(Zip) 33405	
	Business Address (Name, Street) 130 ROYAL PALM RD UPPER, WEST PALM BEACH, FL 33405		(City) WEST PALM BEACH		(State) FL		(Zip) 33405	
	DL Number, State B346103856380 / FL		Sec. Sec. Number		INS Number		Place of Birth (City, State) BALTIMORE, MD.	
Citizenship US		Co-Defendant Name (Last, First, Middle)		Race		Sex		
Date of Birth		1. Arrested ☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile ☐ 6. Other		Co-Defendant Name (Last, First, Middle)		Race		
Sex		Date of Birth		1. Arrested ☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile ☐ 6. Other		Relationship		
Name (Last, First, Middle)		Date		Time		JUVENILE DISPOSITION 1. Handled/Processed within Department and Released 2. TOT IAC 3. Incarcerated		
Released To: (Name)		Date		Time		The above address was provided by ☐ defendant and/or ☐ defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 355-2526) informed of any change of address.		
Property Crime? ☐ Yes ☐ No		Description of Property		Value of Property		School Attended		
Grade		Drug Activity N. N/A S. Sell B. Buy P. Possess R. Smuggle D. Deliver E. Use K. Dispersal/Distribute M. Manufacture/Produce/Cultivate Z. Other		Drug Type N. N/A A. Amphetamine B. Barbiturate C. Cocaine E. Heroin H. Hallucinogen M. Marijuana O. Opium/Deriv. P. Paraphernalia/Equipment S. Synthetic U. Unknown Z. Other		State Violation Number 316.193(1A)		
Violation of ORD #		Charge Description DUI INFLUENCE OF ALCOHOL OR DRUGS		Statute Violation Number 316.193(1A)		Violation of ORD #		
Bond		Charge Description REFUSAL TO SUBMIT TO CHEMICAL OR PHYSICAL TEST		Statute Violation Number 316.193(1)		Violation of ORD #		
Bond		Charge Description		Statute Violation Number		Violation of ORD #		
Bond		Health / Apparent Physical Condition of Defendant		Any knowledge of the following: ☐ Mental ☐ Escape Risk ☐ Medication ☐ Dehydration ☐ Injury		Explain:		
Check which applies: ☐ Released O.R. ☐ Released to Parent/Guardian ☐ T.O.T. County Jail ☐ Pooled Bond ☐ South County Mental Health		PROPERTY - Received By		Released By		Released To		
Transported By		Date Transported		Time Transported		Other		
INSTRUCTION NO. 1 - Mandatory appearance in court INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.		Location (Court, Room) Criminal Justice CRIMINAL JUSTICE COMPLEX		Court Date and Time 06/16/2022 00:00:00		3228 GUN CLUB ROAD		
I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.		Signature of Defendant (or Juvenile and Parent/Custodian)		Date Signed		INITIAL		
I CONSENT TO RECEIVE REMINDERS OF COURT DATE(S) AND TIMES FOR THIS CASE BY TEXT MESSAGE TO THE NUMBER IDENTIFIED HERE. I UNDERSTAND THAT STANDARD TEXT MESSAGE RATES MAY APPLY AND THAT I MAY REVOKE THIS CONSENT VIA THE TEXT MESSAGE SYSTEM IF I CHOOSE.		(443) 504-5065		Name Verification (Printed by Arrestee) MAY 13 AM 6:41		PAGE 1 OF 1		
HOLD for Other Agency		Signature of Arresting Officer GITTENS, THOMAS		Name of Arresting Officer (Print) GITTENS, THOMAS		ID.# 2263		
Intake Deputy GITTENS		ID.# 2263		Agency WPBPD		Witness here if subject signed with an "X".		

DUI PROBABLE CAUSE AFFIDAVIT

On the 13th Day of May at 0210 A.M. P.M.

Subject: Courtney C. Butler Case Number: 20220006962

Agency: West Palm Beach Police Department Arresting Officer: Gittens #2263

Personal Contact

Driving Pattern

Actual physical control (physical evidence putting the driver behind the wheel)

On May 13, 2022, I was dispatched as a patrol Officer to a suspicious vehicle call at 260 Summa St. Upon arrival I observed a Silver Audi SUV parked facing east with the lights on. The vehicle was still running and the driver, Courtney Butler, was passed out behind the wheel in physical control of the vehicle. Courtney woke up while I was trying to find the push to start button for the vehicle.

Observation of Driver

When Butler awoke, she was very disoriented and was asking what was going on. It appeared Butler had urinated on herself. I asked Butler if she had any medical conditions or if she was having a medical emergency and she said no. I noticed a strong odor of alcohol coming from Butler which got stronger when she spoke to me. I asked Butler for her Driver's license. While attempting to provide her license to me, Butler could not get the license out of her wallet and seemed to lose concentration as to what she was doing. Eventually I had to retrieve the license out of her wallet for her. Butler's speech was slurred, and she had to be asked the same questions repeatedly. Butler could not tell me where she was, only that she was going to her house from her house. I attempted to have Butler exit the vehicle, however she almost fell while exiting so I had her sit on the side of her driver seat so she would not fall. I observed Butler was wearing high heel shoes. I asked Butler if she had any other shoes in her vehicle that would be more practical for walking. Butler stated she did and told me they were in the back of the vehicle. I retrieved her shoes and Butler changed into them. After changing into the shoes, I had Butler walk over to a patrol vehicle and lean against the bumper. While walking Butler was stumbling/extremely unsteady and had to be assisted.

Drivers Statements:

I asked Butler how much she had to drink. I had to repeat the questions multiple times however Butler could not give an intelligible answer. When I asked Butler what she had to drink, she stated she had one glass of wine. Butler could not recall when she had the glass of wine.

Odors:

Strong odor of Alcohol.

General Observations

Speech: Slurred

Attitude: Calm

Clothing: Black jacket, yellow shirt, blue jeans, and black shoes

Medical Problems/Medications: none

Other: I transported Butler to the WPBPD headquarters where she first refused to give a sample of her breath. After reading her implied consent, Butler agreed to give a sample of her breath. However, once she was instructed to blow into the instrument, she refused stated she would not do anything without a lawyer. Butler was then read her Miranda warnings and stated she did not want to speak to me.

DUI PROBABLE CAUSE AFFIDAVIT

Subject: Courtney C. Butler

Case Number: 20220006962

Roadside Tasks

Horizontal Gaze Nystagmus

- | | |
|---|--|
| ☐ Left Eye Does Not Follow Smoothly | ☐ Right Eye Does Not Follow Smoothly |
| ☐ Left Eye Jerks at 45 Degree Angle or Less | ☐ Right Eye Jerks at 45 Degree Angle or Less |
| ☐ Distinct Jerking Left Eye at Maximum Deviation | ☐ Distinct Jerking Right Eye at Maximum Deviation |

I asked Butler if she wore any contacts or glasses. Butler advised she only wore glasses. I asked Butler if she had any eye conditions and she stated she didn't. I told Butler the first evaluation would be to check her eyes. I held up my left index finger and told Butler to look at the tip of my finger. I checked Butler's eyes for equal pupil size and resting nystagmus. Butler had equal pupil size and did not have resting nystagmus. I then told Butler with her eyes and only her eyes only to follow the tip of my finger. I made two passes with my finger from center to maximum deviation then back to center on each eye to check Butler's eyes for equal tracking. Butler's eyes tracked equally. After verbally qualifying Butler I immediately started two passes on each eye from center to maximum deviation then back to center to check for lack of smooth pursuit. On both passes I saw nystagmus in each eye. After checking for lack of smooth pursuit I immediately started two passes on each eye to check for distinct and sustained nystagmus at maximum deviation. I moved my finger from center to maximum deviation, holding at maximum deviation for approximately eight seconds then back to center for both eyes. On both passes I saw distinct and sustained nystagmus at maximum deviation for each eye. I then started two passes on each eye to check for onset of nystagmus prior to 45 degrees. I saw nystagmus prior to 45 degrees on each eye during both passes. After checking for onset of nystagmus prior to 45 degrees, I started two passes for vertical nystagmus however Butler would not follow instructions and I could not complete the vertical nystagmus passes.

Walk and Turn Task

I told Butler that she needed to stand with her feet together and her arms down by her side. I asked Butler to put her right heel touching her left toe along the line (painted green line) in front of her and to remain standing in that position until I told her to begin the evaluation. I asked Butler if she understood these instructions and she said yes. When I started to give Butler the rest of the instructions, she failed to maintain balance. I instructed Butler when I told her to, she would take nine heel to toe steps along the line in front of her. I told Butler that on her ninth step she would leave her lead foot on the line and make a series of small steps around and make nine heel to toe steps back along the line. I told Butler that it would look exactly like this and demonstrated the evaluation for her. I told Butler there were four things I wanted her to keep in mind while performing the evaluation. I told Butler I wanted her to look at her feet at all times, count her steps out loud, keep her arms at her side at all times, and to not stop at any point until she had completed the evaluation. I asked Butler if she understood these instructions and she stated that she did. I told Butler to begin, and she displayed five of the six clues (incorrect number of steps, steps offline, steps while walking, uses arms for balance and missed heel to toe) during this evaluation. Due to Butler never attempting to turn and continuing to walk forward, I had to stop the evaluation.

One Leg Stand

I asked Butler to stand with her feet together and her arms down by her side. I advised her I would tell her when to begin. I instructed Butler to raise either one of her feet approximately six inches off the ground, parallel to the ground. I told Butler to count out loud in this manner "one thousand one, one thousand two, one thousand three" and so on until I told her to stop. I then told Butler it would look exactly like this and demonstrated it for her. I told Butler there were four things I wanted her to keep in mind while performing the evaluation. I told Butler to look at her raised foot at all times, count out loud, keep her arms at her side at all times, and to not put her foot down until I told her to stop. I asked Butler if she understood these instructions and she stated she did. When instructed to start Butler began walking forward while alternating raising her arms. The evaluation could not be conducted due to Butler not following instructions.

Finger To Nose

I told Butler to stand with her feet together and her arms by her side. I asked Butler if she knew her right from her left and she stated she did. I had Butler extend her index fingers while making a fist. I had Butler face her palms toward me. I told Butler when I told her to, I wanted her to close his eyes and tilt her head back. I advised Butler when I instructed her to, I would tell her either left or right. I told Butler if I said right, I wanted her to touch the tip of her right finger to her nose and then return her hand back to her side. I told Butler if I said left, I wanted her to touch the tip of her left finger to her nose and then return her hand back to her side. I asked Butler if she understood, and she stated she did. However she asked for further demonstration. I demonstrated the evaluation for her and she stated she understood. While performing the evaluation Butler could not keep her head tilted back and her eyes closed.

Romberg Balance

I told Butler to stand with her feet together and her arms by her side. I asked Butler if she could count to thirty and she stated she could. I told Butler when I instructed her to, I wanted her to tilt her head back and close her eyes. I told Butler I wanted her to approximate thirty seconds in her head. I told Butler when she finished to look at me and tell me she was done. I asked Butler if she understood those instructions and she stated she did. I told Butler to begin and she finished after just approximately five seconds.

Breath Results from Instrument

1st Result

Refused

2nd Result

Refused

3rd Result

If Applicable

State of Florida

County of Palm Beach

The Following Instrument was notarized or sworn before me this

(DATE)

☐ Personally Known

☐ Produced Identification

☐ Notary Public

Notary / Clerk of Courts / Officer (FSS: 117.10)

Signature of Arresting Officer

**STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST**

I, Gittens, T.B. #2263, a duly certified Law Enforcement or Correctional Officer, am a
(Name of Officer reading Implied Consent Warning)

member of West Palm Beach Police Department, and I do swear
(Name of Law Enforcement Agency)

or affirm that on or about the 13th day of May, 20 22, at 0210 ☐ P.M. ☒ A.M.

DRIVER Courtney Christine Butler
FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL # B346103856380, state of Florida, was placed under lawful arrest for

the offense of DUI by Gittens, T.B. #2263 and
(Name of Arresting Officer)
issued citation # AG114LE.

That on or about the 13th day of May, 20 22, at 0210 ☐ P.M. ☒ A.M.
in Palm Beach County,

I requested that the driver submit to a **BREATH** test for the purpose of determining its alcohol content. I informed the driver that the refusal to submit to such test would result in the suspension of his or her driving privilege for a period of one (1) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended, or if he or she had been previously fined under s. 327.35215, F.S., for refusing to submit to a breath, urine, or blood test. I also informed the driver that he or she commits a misdemeanor by refusing to submit to a lawful test as requested above if his or her driving privilege has been previously suspended, or if he or she has been previously fined under s. 327.35215, F.S., for refusal to submit to a lawful test of his or her breath, urine, or blood. Nonetheless, the driver refused to submit to the test requested.

Thomas Brett Guy Gittens

Digitally signed by Thomas Brett Guy Gittens
Date: 2022.05.13 04:20:09 -0400

Signature of Law Enforcement Officer or Correctional Officer

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (s. 117.10, F.S.)

The foregoing instrument was sworn and subscribed before me:

Thomas Brett Guy Gittens

Digitally signed by Thomas Brett Guy Gittens
Date: 2022.05.13 04:21:14 -0400

Signature of Attesting Officer

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before
me this _____ day of _____, 20 _____,
by _____,
who is personally known to me or who has produced
_____ as identification.

Notary Public _____

Title _____
Date _____

Note: Mail or hand deliver to the designated
Bureau of Administrative Reviews office,
Department of Highway Safety and Motor
Vehicles, with the driver's license, the
appropriate copy of the UTC, and the probable
cause affidavit.



West Palm Beach Police Department
Breath Testing Facility Report



Defendant: Butler, Courtney Christine Case #: 2022-6962
Arresting Officer: Ofc T. Gittens 2263 Date: 5/13/2022

Breath Test Results: NSP g/210L 0258 Time Refused g/210L 0301 Time
--- g/210L --- Time --- g/210L --- Time

Note: Times are in Military Time

Breath Operator: Ofc Morris J Annese 1418
Maintenance Technician: Inv J Ingrassia #1857

Testing Officer Observations:

Speech: Slurred
Attitude: pleasant
Clothing: Blue jeans, black jacket, sneakers
Medical Conditions: None
Medications: None
Other: _____

Arrival Time at Facility/ Time Twenty (20) Minute Observation Started: 0211 hours

Comments:

The defendant was observed by Ofc Gittens for the 20 minute observation period.

The defendant had a strong odor of unknown alcoholic beverages on her breath. Her eyes were glassy.

Upon arriving at the WPBPD BAT, the defendant's pants were wet because she had urinated in them.

The defendant was asked to submit to the breath test. At first she refused. She was read the Implied Consent by Ofc Gittens and then she said she would submit to the test. When it came time to provide the sample, she began asking about her rights and a lawyer. She was advised that a lawyer was not allowed during any breath test. She continued to stall and the machine timed out with No Sample Provided. She then refused to submit to the breath test.

Ofc Gittens then read her the Constitutional Warnings and she refused to answer questions. The Questions and Answers were not done.

SUBJECT: Courtney C Butler CASE NUMBER: 20220006962

IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

NOTE: READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING

I am now requesting that you submit to a lawful test of your ☒ **BREATH** for the purpose of determining its alcohol content.

OR

I am now requesting that you submit to a lawful test of your ☐ **URINE** for the purpose of determining the presence of chemical or controlled substances.

OR

I am now requesting that you submit to a lawful test of your ☐ **BLOOD** for the purpose of determining its alcohol content and/or presence of chemical or controlled substances.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am OFC Githens #2263 of the West Palm Beach Police Department. If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal, or eighteen (18) months if your privilege has been previously suspended, or if you have been previously fined under F.S.S. 327.35215 for refusing to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to submit to the test I have requested of you and if your driving privilege has been previously suspended, or you have been previously fined under F.S.S. 327.35215 for a prior refusal to submit to a lawful test of your breath, urine or blood, you will be committing a misdemeanor, in addition to any other penalties which can be imposed by law. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

NOTE: IF THE SUBJECT POSSESSES A COMMERCIAL DRIVER'S LICENSE (CDL), READ THE FOLLOWING,

If you are a Commercial Driver License (CDL) holder or were driving a Commercial Motor Vehicle (CMV), your refusal to submit to testing will result in the loss of your commercial driving privilege for a period of one year from today. If this is your SECOND REFUSAL, you will be permanently disqualified from holding a CDL or operating a CMV.

SUBJECTS SIGNATURE: Refused to sign

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

CONSTITUTIONAL WARNINGS

1. You have the right to remain silent and not answer any questions
2. Any statement must be freely and voluntarily given.
3. You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
4. If you can not afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statements and during any questioning
5. If at any time during the interview you do not wish to answer any questions you are privileged to remain silent.
6. I can make no threats or promises to induce you to make a statement. This must be of your own free will.
7. Any statement can and will be used against you in a court of law.

SUBJECTS SIGNATURE: Refused to sign



**PALM BEACH COUNTY
SHERIFF'S OFFICE**
Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	☐	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	☐	119.071(4)(c)	Undercover personnel.	
	☐	119.071(2)(f)	Confidential informants (CIs).	
	☐	119.071(2)(e)	Confession.	
Public Info. Exemptions	☐	985.04(1)	Juvenile offender records.	
	☐	119.071(h)(i)	Assets of a crime victim.	
	☐	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	☐	394.4615(7)	Mental health information.	
	☐	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	☐	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

REVIEW COMPLETED BY

Booking Number: 2022012478	Date: 05/14/2022
	Specialist Name/ID: T Howard/7185